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April 12, 2024 [Corrected Copy 4/14/24]

Via Email & ECF

The Honorable Eric N. Vitaliano  
United States District Judge  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Carmelo Polito  
22 Cr. 356 (ENV)

Dear Judge Vitaliano:

I write from Orlando, Florida (where I am visiting my grandson) in brief response to the letter filed by the government this afternoon (ECF No. 105). The letter is filled with half truths and innuendos, the most egregious of which we correct herein.

To begin with, the government claims that the only substantive change since the last bail hearing is that defendant has now pleaded guilty which argues in favor of more stringent, not less stringent, bail conditions. The government is wrong. By pleading guilty to a count with a 20 year statutory maximum, Polito is opening himself up to a sentence of that length, if he were foolish and untrustworthy enough to violate the bail conditions which Your Honor last set. He would not do that.

The government claims that law enforcement has never observed Polito performing construction work and that he must have a “no-show job”. ECF No. 105, at 2, 4. The government fails to tell the Court that all of the construction work that defendant performs (rebar-patching walls) is indoors – and not visible to Federal agents.

The government claims that Mr. Polito regularly “conducted meetings ...at a café across the street from his alleged workplace.” ECF No. 105, at 1-2. Defendant did

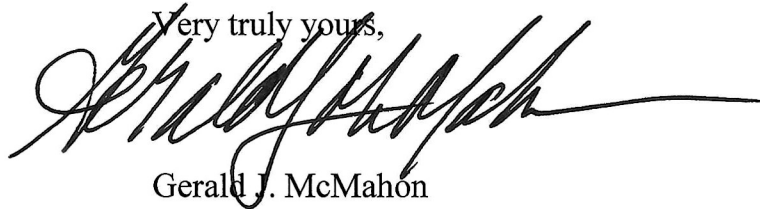
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not regularly conduct organized crime meetings at the Paris Baguette. He did have one or two meetings with an individual, which was the subject of the last bail hearing. Other than that, the café was a coffee shop where he conducted no business other than having coffee and a bagel.

The government suggests that Polito used the burner phone to have regular conversations with co-defendant Joe Rutigliano and Joe Celso, a co-defendant of Anthony Romanello in a trial before Judge Komitee. Carmelo Polito categorically denies any such conversations with Rutigliano and/or Celso, and is prepared to so state under oath.

The government does not deny that Mrs. Polito has serious medical problems, or that defendant would earn another year's worth of health insurance (for 2025) if he worked 600 hours before he surrendered to serve his sentence. He is not a flight risk. He is not a danger to the community. With a 20 year sentence hanging over his head, he should be allowed to work until he surrenders to serve any sentence of imprisonment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gerald J. McMahon", with a long horizontal flourish extending to the right.

Gerald J. McMahon

cc: All Counsel (by ECF or email)